

**Listing of Claims**

Claims 1-11 (cancelled)

Claim 12 (previously presented) A coconut foliar decay virus DNA fragment comprising nucleotides 734 to 785 set forth in SEQ ID NO:1, and nucleotides 941 to 971 of SEQ ID NO:1, but not the translation start for the open reading frame ORF1 set forth as nucleotides 1004 to 1006 of SEQ ID NO:1, wherein the DNA fragment has promoter activity.

Claim 13 (previously presented) A coconut foliar decay virus DNA fragment according to claim 12, which additionally does not contain the translation start for the open reading frame ORF2 set forth as nucleotides 1215 to 1217 of SEQ ID NO:1.

Claim 14 (previously presented) A coconut foliar decay virus DNA fragment according to claim 12, wherein the DNA fragment further comprises nucleotides 655 to 676 and 682 to 701 of SEQ ID NO:1.

Claim 15 (previously presented) A coconut foliar decay virus DNA fragment according to claim 12, comprising the nucleotides 211 to 991 of SEQ ID NO:1, 409 to 991 of SEQ ID NO:1, 611 to 991 of SEQ ID NO:1 or 711 to 991 of SEQ ID NO:1.

Claim 16 (currently amended) A DNA fragment, which is a variant of the sequence set forth in SEQ ID NO:1 or fragment thereof wherein the fragment is a modified promoter, which additionally does not contain the translation start for the open reading frame ORF1 set forth as nucleotides 1004 to 1006 of SEQ ID NO:1, and which does not have an activity 20% more than or 20% less than the promoter activity of nucleotides 211-991 of SEQ ID NO:1.

Claim 17 (currently amended) A method of expressing a nucleic acid comprising transfecting a cell with ~~one or more DNA fragments~~the nucleic acid according to Claim 26.

Claim 18 (currently amended) The method of claim 17, wherein the cell is a bacterial, yeast or ~~fungi~~fungal cell.

Claim 19 (currently amended) A method of expressing a gene in a plant comprising transfecting ~~one or more DNA fragments~~a plant with the nucleic acid according to Claim 26, wherein the expression is tissue specific.

Claim 20 (previously presented) The method of claim 19, wherein the tissue specific expression occurs in phloem cells.

Claim 21 (previously presented) A method of producing chimeric constructs comprising, operably linking one or more DNA fragments according to Claim 12 to a nucleic acid to be expressed.

Claim 22 (previously presented) A transgenic plant, part of a plant, transformed plant, yeast or bacterial cell[s] comprising a DNA according to Claim 12.

Claim 23 (previously presented) A coconut foliar decay virus DNA fragment comprising nucleotides 734 to 785 set forth in SEQ ID NO:1, and nucleotides 941 to 971 of SEQ ID NO:1, but not the translation start for the open reading frame ORF2 set forth as nucleotides 1215 to 1217 of SEQ ID NO:1, wherein the DNA fragment has promoter activity.

Claim 24 (cancelled)

Claim 25 (previously presented) The DNA fragment of claim 12, wherein the DNA fragment further comprises nucleotides 655 to 676 and 682 to 701 of SEQ ID NO:1.

Claim 26 (currently amended) ~~The composition of claim 12, further comprising a nucleic acid to be expressed, wherein the~~ A nucleic acid which is operably linked to the DNA fragment according to claim 12.